



April 24, 2020

**VIA ECF**

Honorable Ronnie Abrams  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Patricio Nuno Carrera, et al. v. DT Hospitality Group Inc., et al.*  
Docket No.: 19-cv-4235 (RA)

Dear Judge Abrams:

This firm represents the Plaintiffs, Patricio Nuno Carrera and Geraldo Marquez, in the above-referenced matter, against Defendants DT Hospitality Group Inc. d/b/a Co Ba Restaurant and Kien Truong, for alleged violations of the Fair Labor Standards Act and New York Labor Law. Defendant Truong has appeared *pro se*. Defendant DT Hospitality Group Inc. remains *pro se* as well as an attorney has not filed a notice of appearance on its behalf. As a result of the corporate defendant's failure to have an attorney appear on its behalf, the Court entered an order directing Plaintiffs to serve their motion for default by April 28, 2020. D.E. 34. Plaintiffs now write to request an extension of time to serve their motion for default for the reasons discussed below.

Specifically, Plaintiffs' counsel requires declarations from both Plaintiffs to support their impending motion for default to establish Defendant DT Hospitality's liability and damages. Further, Plaintiffs' counsel must confer with Plaintiffs in order to finalize certain components of their declarations. Unfortunately, Plaintiffs' counsel has experienced unexpected difficulty communicating with the Plaintiffs during the ongoing pandemic and, as a result, this firm has been unable to successfully procure signed declarations from the Plaintiffs, despite repeated attempts to do so.<sup>1</sup> However, we recently discovered through one of our client's family members that Plaintiff Nuno Carrera is currently outside of the country due to a family emergency and in a location with little to no cellular telephone service. As of today, we were able to obtain contact information to reach him in his current location. As a result of this development, we are now seeking to confer with Plaintiff Nuno Carrera regarding finalizing and executing the necessary declaration from his current location, and to identify a means for Plaintiff Nuno Carrera to expeditiously return an executed copy of that declaration. Thus, as a result of this unusual circumstance, Plaintiffs' counsel does not expect that we will be able to procure the required declarations by the deadline for the motion for

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<sup>1</sup> Additionally, the attorneys and support staff at this firm have been required to work from home due to the federal and New York state work restrictions caused by the Covid-19 pandemic, which has made communications with clients and obtaining signed documents from clients more challenging.

default on April 28, 2020. Accordingly, Plaintiffs' counsel seeks an additional extension of two weeks to serve Plaintiffs' motion for default in order to procure the necessary declarations in support of their motion.

Accordingly, Plaintiffs request that the Court extend their time to serve their motion for default against Defendant DT Hospitality Group from April 28, 2020 to May 12, 2020. Plaintiffs made three prior requests for an extension of time to serve their motion for default, one of which was because Defendants indicated they were assessing whether to file a bankruptcy petition on behalf of DT Hospitality Group. D.E. 24, 31, 33. Each of these requests were granted.<sup>2</sup> D.E. 24, 27, 31-34.

Plaintiffs thank the Court for its time and consideration of this request.

Respectfully submitted,


/S/ David D. Barnhorn, Esq.  
DAVID D. BARNHORN, ESQ.

C: Kien Truong  
110 9th Avenue  
New York, New York 10011  
Defendant *pro se*

DT Hospitality Group Inc. d/b/a Co Ba Restaurant  
110 9th Avenue  
New York, New York 10011  
Defendant *pro se*

Application granted. Plaintiffs shall provide a copy of this Order to Defendants.

SO ORDERED.

  
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Hon. Ronnie Abrams  
4/27/2020

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<sup>2</sup> As noted in Plaintiffs' prior request for an extension, Defendant Truong intended to file for bankruptcy by mid-March 2020 and was determining whether to file a bankruptcy petition for Defendant DT Hospitality Group. D.E. 24, 27. Defendant Truong's bankruptcy attorney informed the undersigned that Truong's filing has been delayed due to the current Covid-19 pandemic, but was unable to inform the undersigned if Truong had made a final determination whether to file a bankruptcy petition on behalf of Defendant DT Hospitality Group. Despite this uncertainty, Plaintiffs intended to proceed, and still intend to proceed, with serving their motion for default against Defendant DT Hospitality Group as soon as declarations from Plaintiffs can be procured.